

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-18973 - APPLICANT/OWNER: MAX JONES  
PROFESSIONAL PLAZA**

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*THIS ITEM WAS DENIED AT THE MARCH 7, 2007 CITY COUNCIL MEETING.*

*THIS ITEM WAS DENIED AGAIN AT THE AUGUST 1, 2007 CITY COUNCIL MEETING.*

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-18972), Site Development Plan Review (SDR-14311), and Variance (VAR-14313), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The applicant shall provide two loading spaces as required by code.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a variance (VAR-18973) for reduced front setback for a proposed 21,551 square-foot office on 0.85 acres at 1506 South Jones Boulevard. A companion Rezoning from O (Office) to C-1 (Limited Commercial) will be heard concurrently with this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
7/19/06	The City Council approved a Petition to Annex (ANX-12916) the subject property. The annexation became effective on 8/11/06.
10/18/06	The City Council approved a Site Development Plan Review (SDR-14311) and a Variance (VAR-14313) for a 21,551 square-foot, two-story office building with a waiver of the perimeter landscape buffer and reduced residential adjacency. The Planning Commission and Staff recommended approval.
02/08/07	The Planning Commission recommended approval of companion item ZON-18972 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #3/jk).
<b><i>Pre-Application Meeting</i></b>	
12/27/06	At the pre-application meeting the applicant was informed about the requirements for submitting a Zone Change and a Variance and that the project would be required to conform to SDR-14311.
<b><i>Neighborhood Meeting</i></b>	
A meeting for this application type is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.85 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residence	SC (Service Commercial)	O (Office)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Offices	SC (Service Commercial)	R-E (Residential Estates) Clark County
East	Single Family Residences	DR (Desert Rural Density Residential)	R-E (Residential Estates) Clark County
West	Southern Nevada Desert Development Center	PF (Public Facilities)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>	X		Y*
<b>Development Impact Notification Assessment</b>			N/A
<b>Project of Regional Significance</b>			N/A

\* This parcel is located within the 330-foot street buffer for a Rural Preservation Neighborhood.

## DEVELOPMENT STANDARDS

Per Title 19.08 the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.85	N/A
Min. Lot Width	100 Feet	133 Feet	Y
Min. Setbacks			
• Front	20 Feet	15 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	20 Feet	53 Feet	Y
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50 %	49%	Y
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	50 Feet	78 Feet	Y
Mech. Equipment	Screened	Screened	Y

Please review notes related to residential and commercial/industrial development standards in Title 19.08.

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	105 Feet	53 Feet	N*
Trash Enclosure	50 Feet	78 Feet	Y

\* The reduced residential adjacency for this project was addressed via the approval of VAR-14313

Per Title 19.12 the following parking and landscaping standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/ 6 Spaces	15 Trees	5 Trees	N*
Buffer: Min. Trees	1 Tree/20 Linear Feet	7 Trees	13 Trees	Y
<b>TOTAL</b>		22 Trees	18 Trees	Y
Min. Zone Width	Eight Feet		Zero Feet on North Property Line.	N*
Wall Height	6 Feet		6 Feet	Y

\* The waivers of landscaping were addressed via the approval of SDR-14311.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office (other than listed)	21,551	1:300	69	3	86	4	Y
TOTAL (including handicap)			72		90		Y
Loading Spaces			2		Zero		N*

\* A condition has been imposed requiring two loading spaces.

## ANALYSIS

The request for a 15-foot front setback for this proposed office on property may be appropriate due to topographic changes from west to east at this location. There was a prior approval for this project via SDR-14311 and VAR-14313. However, the need for a variance for the front setback was not identified through the prior applications. At ground-level, the front of the building will be covered parking and the actual building will extend into the required front setback at the second story of the building. Only the supporting columns for the second story will extend into the required front setback at ground-level. No changes have been made to the building and all aspects of the project are the same as they were under the prior applications. However, after reviewing the plans in the prior applications and this application, staff has identified that no loading zones have been provided where two loading spaces are required. A condition of approval requiring two loading spaces will address this deficiency.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Topographic changes on the site may provide evidence of a unique or extraordinary circumstance. Therefore, it is concluded that the applicant’s hardship may not be self-imposed, and it may be within the realm of NRS Chapter 278 for granting of Variances.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      3

**SENATE DISTRICT**      8

**NOTICES MAILED**      72      by Planning Department

**APPROVALS**      0

**PROTESTS**      1